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# SUPREME COURT OF THE UNITED STATES.

## No. 34.

SIMEON STODDARD & AL., PLAINTIFFS IN ERROR,

vs.

HARRY W. CHAMBERS.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF MISSOURI.

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J. & G. S. Gideon, Printers.

Missouri District, ss:

Simeon Stoddard & others,
vs.
Harry W. Chambers.

Be it remembered that heretofore, to wit, on the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and thirty-nine, Simeon Stoddard and others, by Luke E. Lawless, esquire, their attorney, filed in the office of the clerk of the Circuit Court of the United States for the Missouri district their declaration, in an action of ejectment against Harry W. Chambers, in the words and figures following, to wit:

*Declaration.*

In the Circuit Court of the United States for the District of Missouri, October term, 1839.

County of St. Louis, *District and State of Missouri:*

Simeon Stoddard, a resident citizen of the State of Indiana, Curtis Stoddard, a resident citizen of the State of Ohio, Daniel Stoddard, a resident citizen of the State of Ohio, Anthony Stoddard and William Stoddard, resident citizens of the State of New York, Joseph Bunnell and Lucy Bunnell his wife, resident citizens of the State of N. York, Jonas Foster and Lavinia Foster, resident citizens of the State of Ohio, Lucy Hoxie, a resident citizen of the State of New York, and Daniel Morgan and Arva Morgan his wife, resident citizens of the State of New York, complain of Harry W. Chambers, a citizen of the State of Missouri, for that heretofore, to wit, on the first day of January, one thousand eight hundred and thirty-nine, in the county of St. Louis, State and district aforesaid, the said plaintiffs were and still are legally entitled, as tenants in common, to the possession of all that tract of land, situate, lying, and being in the county aforesaid, containing three hundred and fifty arpens, French measure, more or less, being the same tract originally granted by the Spanish Government in the province of Upper Louisiana to Mordecai Bell, by concession, bearing date 29th January, 1800, and being the same tract located and surveyed by the proper officer on or about the 1st January, 1808, and which concession and survey have been duly confirmed by the Congress of the United States to the said Mordecai Bell, or his legal representatives, according to the said survey; and which said tract is the same contained in the survey No. 3,026, made by the authority of the United States under, and by virtue of, the confirmation aforesaid, and is bounded on the east by the forty arpen field lots, on the south by a tract called the Mile tract, and on the north and west by land described as public lands, on the survey made as aforesaid on the

1st January, 1806. And said plaintiffs being so legally entitled to the possession thereof, the said Harry W. Chambers with force and arms, to wit, on the first day of January, one thousand eight hundred and thirty-nine, last aforesaid, entered into said premises and ejected therefrom the said plaintiffs, and took possession of same, and still holds possession thereof, to the great injury of said plaintiffs, who aver that they have sustained damage to the value of five thousand dollars; and, therefore, they bring suit.

On which said declaration was the following endorsement, to wit:

Let summons issue. L. E. LAWLESS,
*Att'y for plaintiffs.*

*Summons—Return.*

And thereupon, on the day of the filing of said declaration, a writ of summons issued out of the office of the clerk of said circuit court, returnable to the then next October term of said court; which said writ was duly returned, endorsed as follows: Not served for want of time. JAMES H. RELFE,
*Marshal for the Missouri district.*

And afterwards, at the October term of said circuit court, in the year one thousand eight hundred and thirty-nine, in the record of proceedings of said court is the following entry:

*Order.*

SIMEON STODDARD & others,
vs.
HARRY W. CHAMBERS.

The writ in this case having been returned by the marshal not executed, thereupon, on motion of said plaintiffs by their attorney, it is ordered by the court that an alias summons issue, returnable to the next term of this court.

Whereupon, on the ninth day of October, in the year last aforesaid, an alias writ of summons issued pursuant to said order, in tenor and form following, to wit:

*Alias Summons.*

MISSOURI DISTRICT, *ss:*

The President of the United States to the marshal of the Missouri district greeting: You are hereby commanded, as you were heretofore commanded, to summon Harry W. Chambers, a citizen of the State of Missouri, that he be and appear before the Circuit Court of the United States for the district of Missouri at the next term thereof, to be held at the city of St. Louis, within and for the district aforesaid, on the first Monday of *of* April next, then and there to answer unto Simeon Stoddard, a citizen of the State of Indiana, Curtis Stoddard and Daniel Stoddard, citizens of the State of Ohio, Anthony Stoddard and William Stoddard, citizens of the State of New York, Joseph Bunnell and Lucy Bunnell his wife, citizens of

the State of New York, Jonas Foster and Lavinia Foster his wife, citizens of the State of Ohio, Lucy Hoxie, a citizen of the State of New York, and Daniel Morgan and Arva Morgan his wife, citizens of the State of New York, of a plea of ejectment to the damage of said plaintiffs of five thousand dollars. Hereof fail not, and have you then there this writ.

Witness the honorable Roger B. Taney, Chief Justice of the United States, the ninth day of October, in the year eighteen hundred and thirty-nine.

Issued at office in the city of St. Louis, under the seal of said [L. S.] court the day and year last aforesaid.

JO. GAMBLE, *Clerk.*

*Marshal's Return.*

And the marshal, to whom the same was directed, duly returned the said writ with his return thereon endorsed as follows: Executed the within process on Harry W. Chambers, at his residence near the city of St. Louis, district of Missouri, by reading the declaration and writ in his hearing and presence on the 9th December, 1839.

JAMES H. RELFE,
*Marshal for the Missouri district.*

And afterwards, at the April term of said court, in the year of our Lord one thousand eight hundred and forty, the said Harry W. Chambers, by Mr. Spalding his attorney, appeared and filed his plea to the action aforesaid, in the words following, to wit:

*Plea.*

And the said defendant, by his attorney, comes and defends the wrong and injury, when, &c., and says that he is not guilty of said trespass and ejectment, in manner and form as in said declaration is set forth; and of this he puts himself upon the country, &c.

And this cause was afterwards continued until the April term of said court, in the year one thousand eight hundred and forty-two; at which said term, in the record of proceedings of said court, is the following entry, to wit:

*Trial—Verdict—Judgment.*

MONDAY, 11*th April*, 1812.

SIMEON STODDARD & others,
vs.
HARRY W. CHAMBERS.

Now at this day come again the parties aforesaid, by their respective attorneys aforesaid, and thereupon also come a jury, to wit: Isaac Tate, James McClanahan, William R. Martin, Lewis Overton, David Calvin, Asa Farrar, Willis W. Snell, Benjamin Young, William N. Thompson, George L. Stansbury, Daniel Trowbridge,

Francis Jones, twelve good and lawful men, who being duly elected, tried, and sworn well and truly to try the issue within joined between the parties aforesaid, upon their oath aforesaid do say that the said defendant is not guilty of the trespass and ejectment in the declaration mentioned, in manner and form as the said plaintiffs have in their said declaration alleged. Therefore it is considered by the court here that the said plaintiffs take nothing by their said writ, and that the said defendant go thereof without day; and that the said Harry W. Chambers recover against the said Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy his wife, Jonas Foster and Lavinia his wife, Lucy Hoxie, Daniel Morgan and Arva his wife, his costs and charges by him about his defence in this behalf expended, and that he have thereof execution.

And thereupon the said plaintiffs, by their attorney, filed their bill of exceptions, in the words and figures following, to wit:

*Bill of Exceptions.*

Be it remembered that, on the trial of this cause, the plaintiffs read and gave in evidence a duly certified copy of the documents, papers, and proceedings had before the board of commissioners and recorder of land titles in relation to the claim of Mordecai Bell, being claim No. 261 in the transcript of decisions transmitted by the recorder of land titles, as in certificate mentioned, which are in the words and figures following:

Antoine Soulard, inhabitant of the town of St. Louis, enters with the recorder of the said district, to be recorded, a concession and title, and the following papers belonging to Amos Stoddard, major of the artillery, viz: 1. A title of concession originally granted to Mordecai Bell, by the Lieutenant Governor Dn. Charles Dehault Delassus, dated 29th January, 1800. 2. Deed of sale, made by order of the commanding officer aforesaid, in favor of James Mackay, late commandant of the district of St. André. 3. Deed of conveyance from Mr. McKay in favor of said Amos Stoddard. 4. Certificate of survey of the said land, in favor of Captain Amos Stoddard aforesaid, in all four papers remitted.

ANTE. SOULARD.

*St. Louis, 29th Juin*, 1808.

*Translation of Bell's petition.*

No. 261.—Mordecai Bell claiming 350 arpens.

To Don Charles Dehault Delassus, Lieutenant Governor and commander-in-chief of Upper Louisiana, &c.

Mordecai Bell, a Roman Catholic, has the honor to represent that, with the assent of your predecessor, he came over to this side, [*of the Mississippi.*] where he has selected a piece of land in his Majesty's domain, on the south side of the Missouri. This being con-

sidered, he supplicates you to have the goodness to grant him at the same place, for the support of his family, the quantity of three hundred and fifty arpens of land in superficie. The petitioner having the means necessary to improve a farm, and having no other views but to live as a peaceable and submissive cultivator, hopes to obtain the favor he solicits.

MORDECAI BELL, his X mark.

*St. André, January* 31, 1800.

Be it forwarded to the Lieutenant Governor, with the information that the statement here above is true, and that the petitioner deserves the favor which he solicits.

SANTIAGO MACKAY.

*St. André, January* 21, 1800.

*Translation of Concession.*

St. Louis of Illinois, *January* 29, 1800.

In consequence of the information of the commandant of St. Andrew, Don Santiago Mackay, I do grant to the petitioner the tract of land of three hundred and fifty arpens, in superficie, which he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the said quantity of land he asks for in the place indicated; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve him to obtain the concession and title in form from the Intendent General, to whom alone belongs, by royal order, the distributing and granting all classes of land belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 12. MACKAY.

St. Louis, *April* 15, 1835.

I certify the above and foregoing to be truly translated from the original. JULIUS DE MUN, *T. B. C.*

[For plat see original.]

Note.—This land was purchased of James Mackay, who acquired the same of Mordecai Bell, who obtained it of the Spanish Government.

*Certificate of survey.*

I do certify that the above plat represents three hundred and fifty arpens of land, French measure, situated in the district of St. Louis, territory of Louisiana, and surveyed by me at the request of the proprietor, Amos Stoddard, esq., who claims the same in virtue of a grant obtained by Mordecai Bell from the Spanish Government.

Given under my hand at St. Louis, the twenty-first day of January, year eighteen hundred and six.

JAMES MACKAY.

In virtue of the above plot and certificate of survey, performed by the deputy surveyor, James Mackay, in behalf of Amos Stoddard, esq., said tract containing 350 arpens, French measure, or 299 acres 43 poles, English measure. I have recorded the whole at the folio 44, of the book D, No. 42.

ANTOINE SOULARD,
*Surv'r G'al T'y Louis'a.*

St. Louis, the 27th January, 1806.

*Bell to Mackay—deed.*—No. 2.

St. Andre Haut Louisiana, l'an mil huit cent et quatre le vingt neufiéme jour de mois de May. Par devant nous Richard Caulk syndic du district de St. André, fut present Mordecai Bell, habitant de St. André du Missouri que reconnais et declare par ce present d'avoir vendue, volontairement change cede delaisse et abandonnez de maintenant et pour toujours pour lue même et ses sucesseurs et heritiers et ayant cause a Jacque Mackay command't de St. Charles et St. André et a ses successeurs et heritier et ayant cause, tout droit titre pretention proprieté et concession d'une terre de trois cent cinquante arpens en superficie, concedé au dit Mordecai Bell par Dn. Chs. Dehault Delassus et situe . Pour le prix et consideration d'une morceaux de terre de cent cinquante arpen en superficie, situe sur la riviere chevaux Maron Ruesseau a McLaughlin laquell morceaux de terre de cents cinquante arpens le dit Mordecai Bell reconnois et declare par ce present d'avoir deja recu du dit Jacque McKay pour tout prix et consideration que le dit Mordecai Bell au ses successeurs ou ayant cause puis jamais demander du dit Jacque McKay ou de ses successeurs ou heritier ou ayant cause pour le dit terre de trois cent cinquante arpens en superficie. En consequence de quoi le dit vendeur Mordecai Bell pour lui même et ses successeurs heritier et ayant cause vende change cede delaisse, abandonne et renonce de ce moment et pour toujour tout ses droits pretentions titre et proprieté et concession qu'il ai ou qu'il peut avoir a l'avenir au ou pour la dit terre de trois cents cinquante arpens en superficie avec tout les avantages et traveaux appartenant a la dit terre, au et en faveur du dit J'que McKay et a ses successeurs et heritier et ayant cause aux quells le dit vendeur (Mordecai Bell) donne possession de ce joure et pour toujours de la dit terre de trois cents cinquante arpens

en superficie avec ses traveaux et avantage de su dit et de plus le dit vendeur pour lui même et ses successeurs et heritiers et ayant cause, s'oblige par ce present de donner ou faire donnez au dit acquereur et a successeurs un titre solide et legitime pour la dit terre de trois cent cinquante arpens aussitot que lui le dit vendeur ou tout autre pour lui puis obtener de parrail tittre du Gouvernement de ce province bien entendu que le dit Mordecai Bell garranter la dit terre de trois cent cinquante arpens au dit Jacque Mackay contre tout reclamation de lui le sien et de tout autre individue quelconque mais non point contre le gouvernement. Et foi de quoi les partie contractan ont accepté et signé le present, et le dit Mordecai Bell ne serchant poin signé a fait marque ordinaire en presence de temoins soussigné et nous le dit syndic.

MORDECAI BELL, sa X marque.
JAQUE MACKAY,

THOMAS HENRY,
ISAIAH JONES.

Copie expedié et remis au greff. RICHARD CAULK.

*Mackay to Stoddard—deed.*—No. 3.

Know all men by these presents: That I, James Mackay, of St. Andrew du Missouri, for and in consideration of value received by me, from Capt'n Amos Stoddard, of St. Louis, the receipt whereof I do hereby acknowledge, have granted, bargained, and sold, and do by these presents grant, bargain, and sell, unto him, the said Amos Stoddard, his heirs and assigns forever, all my right and title in and to a certain grant of land of three hundred and fifty acres or arpens, granted by the Spanish Government to Mordecai Bell, inhabitant of St. Andrew, the 19th of January, 1800, and sold by the said Mordecai to me, by a deed recorded in the office of St. Louis. To have and to hold the said bargained premises, with all its appurtenances, unto him, the said Amos Stoddard, his heirs and assigns forever. And I, the said James Mackay, for myself, my heirs, executors, and administrators, do covenant to warrant and defend the said granted and bargained premises unto him, the said Amos Stoddard, his heirs and assigns forever, against all the claims and demands of myself, my heirs, administrators, and assigns, lawfully claiming the same.

In testimony whereof, I have hereunto set my hand and seal, at St. Louis, this twenty-sixth day of September, year of our Lord eighteen hundred and five.

JAMES MACKAY, [L. S.]

Signed, sealed, and delivered, in the presence of
ANTH'Y NEUR,
THOMAS PENDEL.

LOUISIANA TERRITORY, *District of St. Louis.*

Before me, Auguste Chouteau, one of the justices of the court of St. Louis, personally appeared the within named James McKay,

and acknowledged this foregoing deed of conveyance to be his own free and voluntary act and deed, hand and seal, and desires that the same may be recorded agreeable to law.

Given under my hand and seal, at St. Louis, in the district of Louisiana, this twenty-sixth day of Sept., year of our Lord eighteen hundred and five.

AUGUSTE CHOUTEAU, [s. c.]

*Proceedings of Commissioners* 1811.

Evidence with reference to minutes and records.

October 10, 1811. Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Amos Stoddard, assignee of James Mackay, assignee of Mordecai Bell, claiming 350 arpens of land, situate near the town of St. Louis, district of St. Louis, produces a plat of survey dated 21st January, 1806; certified 27th January, 1806. Conveyance from Bell to Mackay dated 29th May, 1804; from Mackay to claimant dated 26th September, 1805.

It is the opinion of the board, that this claim ought not to be confirmed. See No. 5, page 359.

March 30th, 1835. F. R. Conway, esq're, appeared, pursuant to adjournment.

Mordecai Bell, by the legal representatives of Amos Stoddard, claiming 350 arpens of land, situate in the Grand Prairie near St. Louis, see record book A, page 93; book D, page 361; and minute book No. 5, page 359; produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 29th, 1800; also a deed of conveyance from Mordecai Bell to James Mackay, and deed from said Mackey to Amos Stoddard.

M. P. Leduc being duly sworn, says: that the signature to the concession is in the proper handwriting of Charles Dehault Delassus. Witness further says, that in the year 1804, he went in company with Major Stoddard and several other gentlemen, to the place now claimed, and from that time the said place has always been called Stoddard's Mound. See book No. 7, page 110.

June 8th, 1835. The board met pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Mordecai Bell, claiming 350 arpens of land. See book No. 7, page 110.

The board are of opinion that 350 arpens of land ought to be confirmed to the said Mordecai Bell, or to his legal representatives, according to the survey on record in book D, page 362. See book No. 7, page 170.

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim and concur in the decision. F. H. MARTIN.

OFFICE OF THE UNITED STATES RECORDER OF LAND TITLES,
*St. Louis, Missouri, 27th March*, 1840.

I do certify that the foregoing is a full and complete transcript of the documents, papers, and proceedings had, relating to the claim of Mordecai Bell, therein mentioned, on file and of record in this office. (Excepting the petition and concession, which are not given in the French and Spanish languages, but as translated into English by the translator to the late board of commissioners.) That said claim was included in the transcript of favorable decisions transmitted by the recorder of land titles in the State of Missouri, and the two commissioners associated with him, to the commissioner of the General Land Office, under act of Congress, entitled "An act for the final adjustment of private land claims in Missouri," approved the 9th of July, 1832; and an act supplemental thereto, approved the 2d March, 1833. The said claim being in said transcript No 261.

F. R. CONWAY,
*U. S. recorder of land titles in the State of Missouri.*

Also the act of Congress, approved 4th July, 1836, entitled "An act confirming claims to land in the State of Missouri, and for other purposes;" which is in the words and figures following:

*Act of Congress, 4th July*, 1836.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled: That the decisions in favor of land claimants, made by the recorder of land titles in the State of Missouri, and the two commissioners associated with him, by virtue of an act, entitled "An act for the final adjustment of private land claims in Missouri," approved July ninth, eighteen hundred and thirty-two; and an act supplemental thereto, approved March second, eighteen hundred and thirty-three, as entered in the transcript of decisions transmitted by the said recorder and commissioners, to the Commissioner of the General Land Office, and by him laid before Congress at the two last and present sessions, be, and the same are hereby, confirmed; saving and reserving, however, to all adverse claimants, the right to assert the validity of their claims in a court or courts of justice: Provided, That nothing in this act contained shall apply to, or be in confirmation of, the claim of Don Carlos D. Oilemont for a tract of land at Point Chicot. And provided also, That nothing in this act contained shall apply to, or be in confirmation of, the following claims, to wit: Manuel Liza, six thousand arpens; I. Coonts and Hempstead, four hundred and fifty arpens; Matthew Saucier, one thousand two hundred arpens; Charles Tayan, one thousand six hundred arpens; Louis Lorimiere, thirty thousand arpens; Bartholomew Cousin, ten thousand arpens; Manuel Gonzales Moro, eight hundred arpens; Seneca Rollins, four hundred arpens; William Long, four hundred arpens; James Journey, four hundred arpens; Joachim Lisa, six thousand arpens;

Francis Lacomb, four hundred arpens; Israel Dodge, seven thousand and fifty-six arpens; Joseph Sillivain, two hundred and fifty arpens; John P. Cabanné, two thousand arpens; William Hardy, six hundred and fifty arpens; William Morrison, seven hundred and fifty arpens; Solomon Belleu, three hundred and fifty arpens; Paschal Detchemendoz, seven thousand and fifty-six arpens; Baptiste Aunure, two [hundred] and forty arpens; Alexander Maurice, four hundred arpens; Jean Baptiste Vallé, twenty thousand arpens; Israel Dodge, one thousand arpens; Walter Fenwick, ten thousand arpens; John T. Smith, ten thousand arpens; and Mackey Wherry, sixteen hundred arpens.

SEC. 2. And be it further enacted, That if it shall be found that any tract or tracts, confirmed as aforesaid, or any part thereof, had been previously located by any other person or persons, under any law of the United States, or had been surveyed and sold by the United States, this act shall confer no title to such lands in opposition to the rights acquired by such location or purchase; but the individual, or individuals, whose claims are hereby confirmed, shall be permitted to locate so much thereof as interferes with such location or purchase, on any unappropriated land of the United States within the State of Missouri or Territory of Arkansas, in which ever the original claim may be, that may be subject to entry at private sale: Provided, that such location shall conform to legal divisions and subdivisions, and shall not interfere with the rights of other persons.

SEC. 3. And be it further enacted, That the locations authorized by this act shall be entered with the register of the proper land office, who shall, on application for that purpose, make out for such claimant a certificate of location, which, with the certificate of confirmation, shall be transmitted to the commissioner of the General Land Office; and if it shall appear to the satisfaction of said commissioner, that such certificate shall have been fairly obtained, according to the true intent and meaning of this act and the laws of the United States, then, and in that case, patents shall be granted in like manner as is provided by law for the other lands of the United States. And for each certificate of location to be issued as aforesaid, the register shall be entitled to receive from the person applying therefor the sum of one dollar.

Also the petition of Mordecai Bell to Charles Dehault Delassus, and the concession by the said Delassus, dated 29th January, 1800, together with the certificate of the recording of same by the recorder of land titles, which are in the words and figures following:

*Original petition of Bell.*

A Dn. Chs. Dehault Delassuse, Lieute. Gouv'r et Commandant en chef de la haut Louisiane, &c.

Mordecai Bell, C. R. a l'honneur de vous representer que avec l'agrement de votre predecesseur il se transporter sur cette rive, ou

il a choiser une morceaux de terre dans le domaine de sa M. R. S. du Missouri, ce qui considere je vous supplie d'avoir la conter de lui accorder au même lieu, pour le soutien de sa famille, la quantité de trois cent cinquante arpens de terre en superficie; le supliant ayant le moyene necessaire pour exploite une ferme et n'ayant d'autre vue, que de vivre en cultivateur sou et possible espere obtenir la grace qu'il solicit. St. Andre, 21 Janvier, 1800.

his
MORDECAI ⋊ BELL.
mark.

Soi passe a Mr. le Lieute. Gouv'r en l'enformant que l'exposé ce contre est veritable, et que le supliant merit la grace qu'il solicit.
St. Andre, le 21 Jan'r, 1800.

SANTIAGO MACKAY.

*Concession.*

Sn. Luis de Illinois, *a 29 de Enero de* 1800,

En vertud del informe del Com'dte. particular de Sn. Andres, Dn. Santiago McKay concedo al suplicante la tierra de tres cientos y cinquenta arps. planos que solicita, si no perjudica à nudie y el Ag'or Dn. Ant'o Soulard, poudra el interesado en posesion de la referidad cantidad de tierra qui pide, en el citio indicado, lo q'l evacuado, formera plano, entregando a la parte este y certification para que le sirva a obtener la concession y titulo en forma del S'or Intend'te G'al, a quien coresponde privitivament el repartir y conceder toda clase tierra realengas.

CARLOS DEHAULT DELASSUS.

Rec'd No. 12—Mackay.

Office of the United States Recorder of Land Titles,
*St. Louis, Missouri, 26th March,* 1840.

I do hereby certify, that the foregoing concession from Carlos Dehault Delassus to Mordecai Bell is recorded in this office, in book D, page 361, excepting the following words in the petition, which are left out or omitted in the record, to wit: "*sur cette rive ou il a choiser;*" and the following at the foot of the concession is also omitted in the record, to wit: "Rec'd No. 12—Mackay."

F. R. CONWAY,
*U. S. Recorder of Land Titles in the State of Missouri.*

Also a translation of said petition and concession, which are in the words and figures following:

*Translation of Petition.*

To Don Charles Dehault Delassus, Lieutenant Governor and Chief Commandant of Upper Louisiana.

Mordecai Bell, R. C., hath the honor to represent to you, that, with the agreement of your predecessor, he came upon this side of

the river, where he made a choice of a piece of land on the domain of his Majesty R. S. of the Missouri; in consideration of which, he prays you to be so good [as] to grant unto him at the same place, for the support of his family, the quantity of three hundred and fifty arpens of land in superficy. The petitioner, having the necessary means to explore a farm, and having no other view but to live as a peaceable and submitted cultivator, hopes to obtain the favor which he solicits.

his
MORDECAI ⋈ BELL.
mark.

*St. Andrew, January* 21, 1800.

(Written in the margin:) Be it transmitted to Mr. the Lieutenant Governor, with the information that the contents of the petition is true, and that the petitioner deserves the favor which he solicits.

St. Andrew, January 21, 1800.

(Signed) JAMES MACKAY.

*Translation of Concession.*

ST. LOUIS OF ILLINOIS, *January* 29, 1800.

In virtue of the information of the commandant of St. Andrew, Don James McKay, I do grant to the petitioner the three hundred and fifty arpens in superficy, which he solicits, if it does not prejudice any body; and the surveyor, Don Antonio Soulard, will put the interested in possession *in* the aforesaid quantity of land prayed for, in the place mentioned; which being executed, he will make a plat thereof, which he shall deliver to the party with this certificate, in order to serve him to obtain the concession and title in form from his lordship, the Intendant General, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

(Signed) CHARLES DEHAULT DELASSUS.

Truly translated from the French and Spanish document, original, to me presented, by Beverly Allen, esq., and by him retained; which I certify.

M. P. LEDUC.

*St. Louis, March* 11, 1840.

Also a deed from Mordecai Bell to James Mackay, dated 29th May, 1804, together with the certificate of the recorder of land titles; but without any evidence that Richard Caulk was syndic, or was an officer having any authority in relation to the execution of conveyances before him, other than what appears on the paper itself; and a translation of the same;—which deed, certificate, and translation, are in the words and figures following, to wit:

*Bell to Mackay—deed.*

St. André, Haut Louisiana, l'an mil huit cent et quatre, le vingt neuvième jour de mois de Mai.—Pardevant nous, Richard Caulk,

syndic du district de St. André, fut present Mordecai Bell, habitant de St. André du Missouri, qui reconnois et déclare par a present d'avoir vendue volontairement change, cede, delaisse et abandonnez, de maintenant et pour toujour, pour lui même et ses successeurs, et herritier et ayant-cause, à Jaque Mackay, command'e de St. Charles et St. Andre, et à ses successeurs et herritier, et ayant-cause, tout droit titre, pretention, propriété, et concession d'une terre de trois cent cinquante arpens en superficie, conceder au dit Mordecai Bell par Dn. Chs. Dehault Delassus, et situé ; pour le prix et consideration d'une morceau de terre de cent cinquante arpens en superficie, situé sur la riviere Cheveaux, Maron Reusseau à McLaughlin; le quel morceaux de terre de cents cinquante arpens le dit Mordecai Bell reconnois et déclare, par ce present, d'avoir deja reçu du dit Jaque Mackay, pour tout prix et considération que le dit Mordecai Bell, ou ses successeurs, ou ayant-cause, puis jamais demander du dit Jaque Mackay, ou de ses successeurs, ou herritiers, ou ayant-cause, pour la dit terre de trois cent cinquante arpens en superficie. En consequence de quoi le dit vendeur, Mordecai Bell, pour lui même et ses successeurs, herritier, et ayant-cause, vende, change, cede, delaisse, abandone et renounce, de ce moment et pour toujour, tout ses drois pretention, titre, et propriété et concession qu'il a ou qu'il peut avoir à l'avenir an, ou pour la dit terre de trois cents cinquante arpens en superficie, avec tout les avantages et traveaux appartenant à la dit terre, au et en faveur du dit Jaque Mackay, et à ses successeurs, et herritier, et ayant-cause, aux quells le dit vendeur (Mordecai Bell) donne possession, de ce jour et pour toujour, de la dit terre de trois cents cinquante arpens en superficie, avec ses traveaux et avantage deja dit. Et de plus le dit vendeur, pour lui même et ses successeurs, et herritier, et ayant-cause, s'oblige par ce present de donnez ou faire donnez au dit acquereur et à ses successeurs, un tittre solid et legetime pour la dit terre de trois cent cinquante arpens aussitot que lui le dit vendeur, ou tout autre pour lui, puis obtenir de parrail tittre du gouvernement de ce province, bien *attandue* que le dit Mordecai Bell garantée la dit terre de trois cent cinquante arpens au dit Jaque Mackay, contre tout reclamation de lui le sien et de tout autre individue quelconque, mais no poin contre le Gouvernement. Et foi de quoi les partie contractant ou accepte et signe la present, et le dit Mordecai Bell ne sachant poin signé a fait sa marque ordinaire; en presence de temoins soussigne et nous le dit syndic.

sa
MORDECAI ⋊ BELL,
marque.
JAQUE MACKAY.

THOMAS HENRY,
ISAIAH THOMAS.

Copie expedie et remis au greff.

RICHARD CAULK.

OFFICE OF UNITED STATES RECORDER OF LAND TITLES,
*St. Louis, Missouri, 27th March,* 1840.

I do hereby certify that the foregoing deed of conveyance from Mordecai Bell to Jacque Mackay, is recorded in this office by Frederick Bates, recorder of land titles, under a notice dated 29th June, 1808, in book D, pages 361 and 362.

F. R. CONWAY,
*U. S. Recorder of Land Titles in the State of Missouri.*

Translation.

*Translation of Bell to Mackay—deed.*

ST. ANDREW, UPPER LOUISIANA, the twenty-ninth day of the month of May, in the year one thousand eight hundred and four.

Before us, Richard Caulk, syndic of the district of St. Andrew, was present Mordecai Bell, resident of St. Andrew of the Missouri, who acknowledges and declares by these presents to have voluntarily sold, exchanged, ceded, quit claimed, and abandonned, from this moment and for ever, for himself, his successors, his heirs and assigns, to James Mackay, commandant of St. Charles and St. Andrew, and to his successors, and to his heirs and assigns, all the right, title, claim, property, and grant of a tract of land of three hundred and fifty arpens in superficy, granted to said Mordecai Bell by Dn. Charles Dehault Delassus, and situate , for the price and consideration of a piece of land of one hundred and fifty arpens in superficy, situate on Wild Horse creek, McLaughlin's run; which said piece of ground of one hundred and fifty arpens, the said Mordecai Bell acknowledges and declares, by these presents, to have already received from the said James Mackay, for the full price and consideration which the said Mordecai Bell, or his successors or assigns, may forever demand from the said James Mackay, or his successors, or his heirs or assigns, for the said land of three hundred and fifty arpens in superficy. In consequence of which, the said grantor, Mordecai Bell, for himself and his successors, heirs and assigns, do sell, exchange, cede, quit, abandon, and renounce, from this moment and forever, all his right, claim, title, and property and concession, which he has or may in future have, of, in and to the said piece of ground of three hundred and fifty arpens in superficy, with all the privileges and improvements appertaining to said land, in favor of the said James Mackay, his successors, and his heirs and assigns, to whom the said grantor (Mordecai Bell) gives possession, this day and forever, of the said three hundred and fifty arpens of land in superficy, with all the improvements and privileges as aforesaid. And moreover, the said grantor, for himself and his successors, heirs and assigns, binds himself by these presents to give, or cause to be given, to the said purchaser and to his successors, a good and lawful title for the said

land of three hundred and fifty arpens, so soon as the said grantor, or other for himself, will obtain such title from the government of this province; it being well understood that the said Mordecai Bell warranting the said land of three hundred and fifty arpens to said James Mackay, against himself, his heirs, and any person whatever, but not against the government. In witness whereof, the contracting parties have accepted and signed these presents. And the said Mordecai Bell, not knowing how to sign, has made his ordinary mark in the presence of the undersigned witnesses, and we the said syndic.

his
MORDECAI ⋉ BELL,
mark.
JAMES MACKAY.

THOMAS HENRY,
ISAIAH JONES.

Copy made and filed in the archives.

RICHARD CAULK.

Truly translated from the French original to me presented, by Beverly Allen, esq., and by him retained; of which I certify.

St. Louis, March 11th, 1840.

M. P. LEDUC.

*Mackay to Stoddard—deed.*

Also a deed from James Mackay to Amos Stoddard, dated 26th September, 1805, which is in the words and figures following:

Know all men by these presents that I, James Mackay, of St. Andrew du Missouri, for and in consideration of value received from Captain Amos Stoddard, of St. Louis, the receipt whereof I do hereby acknowledge, have granted, bargained, and sold, and do by these presents grant, bargain, and sell, unto him the said Amos Stoddard, his heirs, and assigns, forever, all my right and title in and to a certain grant of land of three hundred and fifty acres or arpens, granted by the Spanish Government to Mordecai Bell, inhabitant of St. Andrew, the 29th of January, 1800, and sold by the said Mordecai to me, by a deed recorded in the office of St. Louis, to have and to hold the said bargained premises, with all its appurtenances, unto him the said Amos Stoddard, his heirs and assigns, forever. And I, the said James Mackay, for myself, my heirs, executors, and administrators, do covenant to warrant and defend the said granted and bargained premises unto him the said Amos Stoddard, his heirs, and assigns, forever, against all the claims and demands of myself, my heirs, administrators, and assigns, lawfully claiming the same.

In testimony whereof I have hereunto set my hand and seal at St. Louis, this twenty-sixth day of September, year of our Lord eighteen hundred and five.

JAMES MACKAY. [L. S.]

Signed, sealed, and delivered, in the presence of

ANTHONY NENT,
THOMAS PENDEL.

LOUISIANA TERRITORY, *District of St. Louis:*

Before me, Auguste Chouteau, one of the justices of the court of St. Louis, personally appeared the within named James Mackay, and acknowledged the foregoing deed of conveyance to be his own free and voluntary act and deed, hand and seal, and desires that the same may be recorded agreeable to law.

Given under my hand and seal at St. Louis, in the district of Louisiana, this twenty-sixth day of September, year of our Lord eighteen hundred and five.

AUG'TE CHOUTEAU. [L. S.]

STATE OF MISSOURI, *County of St. Louis, ss:*

I, John Ruland, clerk of the circuit court, and ex-officio recorder for the county aforesaid, certify that the foregoing instrument of writing was filed for record in my office on the 11th day of March, 1840, and is truly recorded in book L, No. 2, page 168.

Given under my hand and seal of office, this 28th day of March, [L. S.] A. D. 1840.

JNO. RULAND, *Recorder.*

To the admission of each of which said deeds in evidence the defendant, by his counsel, objected, which objection was overruled by the court; to which decision defendant, by his counsel, excepted.

Also copy of record of plat of survey made by James Mackay, which is the same contained in, and forming part of, the documents, papers, and proceedings aforesaid, in relation to claim of Mordecai Bell accompanied by proof that said concession, deeds, and plat of survey, are the same mentioned in notice of Antoine Soulard; the first of said documents, papers, and proceedings, dated 29th June, 1808, and are, together with notice, consecutively copied in book D, page 362, of the records in the office of the recorder of land titles for the United States at St. Louis, Missouri. Plaintiffs also read and gave in evidence a duly certified copy of plat, and description of survey, of the claim of Mordecai Bell, No. 261 aforesaid, being numbered 3,026, as follows:

*Plat and description of Survey.*

SURVEYOR'S OFFICE, ST. LOUIS, *26th May*, 1837.

Survey No. 3,026, in T. 45 N., R. 7 E.

Plat and description of a survey of two hundred and ninety-seven acres, and seventy-four hundredths of an acre of land, equal to three hundred and fifty arpens, executed by Laurentius M. Eiler, deputy surveyor from the 21st day of October to the 8th day of December, 1836, (under instructions of the 16th day of October of the same year,) for Mordecai Bell, or his legal representatives, in conformity with the decision No. 261 of the late board of commissioners, under the acts of Congress approved on the 9th day of July, 1832, and 2d of March, 1833, and in virtue of the confirmation thereof by the acts of Congress approved the 4th of July, 1836, entitled "An act

confirming claims to land in the State of Missouri, and for other purposes," it being the same land surveyed by James Mackay on the 21st day of January, 1806, for Amos Stoddard, claiming in virtue of a grant to Mordecai Bell from the Spanish Government, as will be seen by the plat thereof recorded by Antoine Soulard, surveyor general of the territory of Louisiana, on the 27th day of January, 1806.

Survey No. 2,499, Martin Coontz.—[For plat see original.]

Beginning at a cedar post outside of a field on the present St. Charles road, corner of surveys No. 1,278 and 1,508, on the west boundary of the common fields of St. Louis, and corner of Eustache Peltier's survey, No. 2,472, under certificate 103; thence south 25° 49′ west, with the westerly boundary lines of the common fields 30 links, enter a field 2 chains and 92 links to a stone corner of surveys No. 1,278 and 1,473, 5 chains and 91 links leave the field bears nearly east, 6 chains and 52 links to a stone northwest corner of survey No. 667 on the old St. Charles road or King's highway, 7 chains and 69 links to the south side of a road bears east and west to a brick house; 9 chains and 51 links to a stone, corner of surveys No. 677 and 943; 12 chains and 49 links to a stone, corner of surveys No. 942 and 941; 18 chains and 46 links to a stone, corner of surveys No. 941 and 946; 21 chains and 46 links to a stone, corner of surveys No. 946 and 826; 24 chains and 42 links to a stone, corner of surveys No. 826 and 940; 27 chains and 37 links to a stone, corner of surveys No. 940 and 1,265; 29 chains and 91 links to a stone, set by Eiler in the north edge of a pond and the south edge of the road leading westward from the court-house; which stone (being a witness to the southeast corner of the survey) is a lime stone, 18 inches long, 10 inches wide, and 5 inches thick, set 10 inches in the ground, the edges facing north 25¾ east, and south 25¾ west, from which a hickory, 4 inches diameter, bears north 56° east 9 links, and a stone bears north 11 east 98 links across the road; 30 chains and 29 links to the place of the southeast corner of this survey, and is also the southeast corner of survey No. 2,472, which is in the pond, and on the north boundary of A. Chouteau's survey No. 363.

Thence north 75° 32′ west, along the north boundary of A. Chouteau's tract, a field close to the right; 13 chains and 6 links to a stone; 22 chains and 43 links, another field close to the right; 28 chains and 5 links to a stone; the southwest corner of survey No. 2,472, and the southeast corner of survey No. 903, here pass the field; 32 chains and 95 links, equal to 11 arpens and 3 poles, to a

stone set by Eiler on a line between surveys No. 903 and 363 for the southwesterly corner of this survey; said stone being a lime stone 13 inches long, 11 inches wide, and 5 inches thick, set 7 inches in the ground, the edges facing north and south, from which a black oak, 7 inches diameter, bears north 55° east 20 links, and a black oak, 10 inches diameter, marked of old with a large blaze below, bears north 22° west 21 links.

Thence north 0° 45′ west, 1 chain and 60 links to a branch 4 links wide, runs southwest; 5 chains and 50 links to a post oak 5 inches diameter; 8 chains and 50 links to an old road, bears east and west; 13 chains and 62 links intersect the most eastern division of the northerly boundary line of widow Camp's 200 arpens tract, survey No. 903, and the most southern line of survey No. 2,499, in the name of Martin Coontz; 10 chains and 77 links south, 75° east, to a corner stone of said surveys of Camp and Coontz; at said intersection is a stake set by Eiler, from which a white oak, 5 inches diameter, bears north 2° west 18 links, and a hickory, 4 inches diameter, bears north 38° east 19 links; 13 chains and 65 links to a road, bears east and west; 14 chains 46 links to a black jack 4 inches diameter; 14 chains and 95 links to a branch 10 links wide, runs west; 17 chains and 50 links to a road, bears northwest and southeast; 32 chains to a road, bears northeast and southwest; 38 chains and 92 links intersected the south boundary line of J. Smith's 160 acre tract, survey No. 2,491, and which is also a boundary of survey No. 2,499; 5 chains and 77 links east of Smith's southwest corner, at said intersection set a stake, from which a white oak, 5 inches diameter, bears north 14° west 28 links, and a black jack, 5 inches diameter, bears north 17° east 33 links; 57 chains and 60 links to the St. Charles road, bears southeast and northwest; 60 chains and 10 links to a fork of the St. Charles road near a pond; 65 chains and 63 links to a black jack, 4 inches diameter, northwesterly corner of this survey, from which a hickory, 3 inches diameter, bears south 57° east 16 links, and a hickory, 4 inches diameter, bears north 17 east 7 links.

Thence N. 89° 15′ E., 7 chains and 75 links to a hickory, 3 inches diameter; 12 chains 80 links to a branch 3 links wide, runs north; 21 chains and 90 links to a branch, 3 links wide, runs north; 34 chains and 76 links intersect the east boundary line of J. Smith's 160 acre tract, survey No. 2,491, and which is also a line of survey No. 2,499; 12 chains and 82 links south of Smith's S. E. corner; at said intersection is a stake set by Eiler, from which a black jack, 4 inches diameter, bears S. 52° E. 46 links, and a black jack, 3 inches diameter, bears N. 60° W. 25 links; 45 chains and 54 links to the north easterly corner of this survey on the west boundary line of a school lot, survey No. 3,003, in the St. Louis common fields, and east boundary of survey No. 2,499, from which stake, a white oak, 4 inches diameter, bears S. 75° W. 4 links, and a a white oak, 4 inches diameter, bears N. 51° W. 4 links.

Thence S. 0° 45' E. with the westerly boundary line of St. Louis common fields, 5 chains and 34 links, to a stone, N. W. corner of survey No. 1,478; 8 chains and 38 links to a stone, corner of surveys No. 1,478 and 1,438; 11 chains and 44 links to a stone in the line of survey No. 1,438; 14 chains and 44 links to a stone, corner of surveys No. 1,438 and 1,476; 17 chains and 46 links to a stone, corner of surveys No. 1,476 and 1.269, at the corner of an enclosure to the left; 20 chains and 49 links to a stone, corner of surveys No. 1,259 and 1,252; 23 chains and 59 links to a stone in a fence line corner of surveys No. 1,252 and 1,273; 26 chains and 95 links to or near the north-east corner of the Roman Catholic grave yard; 30 chains and 70 links to a stone; 35 chains and 18 links to a stone; here leave the grave yard at or near the S. E. corner, bears about E. and W. 41 chains and 59 links to a stone in the middle of the present St. Charles road, corner of surveys No. 1,509 and 1,508; 47 chains and 65 links to the point of beginning at the cedar post.

This survey includes within its limits six acres and twenty-eight hundredths of an acre of survey No. 903, in the name of widow Camp's legal representatives under a confirmation by the old board.

The survey No. 2,472 for 160 acres, which is altogether in this survey of Bell, and the surveys No. 2,491 and 2,499, which are in part included; namely, (93) ninety-three acres and five hundredths of an acre of 2,491, and thirty-eight acres and forty-one hundredths of an acre of No. 2,499, are under locations made in virtue of certificate No. 103 issued to Eustache Peltier, or his legal representatives; 159 issued to J. Smith, or his legal representatives; and 145 issued to Martin Coontz, or his legal representatives, in pursuance of the act of Congress, approved on the 17th of February, 1815, and entitled, "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

SURVEYOR'S OFFICE, *St. Louis, 11th March*, 1840.

The foregoing plat and description of survey No. 3,026, in the name of Mordecai Bell, are correctly copied from pages 134, 135, 136, and 137, of record book C, in this office.

WILLIAM MILBURN,
*Surveyor of the Public Lands in the States of Illinois and Missouri.*

Also, a duly certified connected plat of surveys No. 2,472, 2,491, 2,449, [2,499,] showing the interference of survey, No. 3,026, therewith, as follows:

*Connected plat of surveys.*

[For plat see original.]

SURVEYOR'S OFFICE, *Saint Louis*, 18*th March*, 1840.

The above connected plat of surveys Nos. 2,472, 2,491, and 2,499, and showing the interference of survey No. 3,026 therewith, and the connection with the sectional lines of T. 45 N., R. 7 E. of the 5th P. Mn., is strictly conformable to the field notes of the survey thereof on file in this office. The section lines between sections 8 and 9, 16 and 17, and 15 and 16, were surveyed on the 29th of July, 1818; and the lines between sections 10 and 15, west of survey No. 2,491; and between sections 9 and 10, were surveyed on the 23d of June, 1819.

WILLIAM MILBURN,
*Surveyor of the Public Lands in the States of Illinois and Missouri.*

*Proof of possession.*

The plaintiffs also proved the possession by the defendant, at the time of the commencement of the suit, of forty-eight acres and eighty-four hundredths of an acre, parcel of the premises in the declaration mentioned, bounded east by an avenue forty feet wide, which separates same from land of Adam L. Mills; south by land formerly of Auguste Chouteau, known as the Mill tract; and one of the southern lines of survey No. 2,449, [2,499,] west by western line of survey No. 2,472, and the western line of survey No. 3,026. And north by a line run from the south-western corner of survey No. 2,449, [2,499,] so as to include the said quantity of 48 $\frac{84}{100}$ acres. And that all of said forty-eight $\frac{84}{100}$ acres were within the boundaries of the survey No. 2,472 in favor of Eustache Peltier, or his legal representatives, except one acre and sixty-three hundredths of an acre, bounded east by western line of survey number 2,472; south by southern line of survey number 2,449, [2,499]; west by western line of survey number 3,026. And on the north by northern boundary line of the said forty-eight $\frac{84}{100}$ acres, which were within survey number 2,449, [2,499.] And that the whole of said forty-eight acres $\frac{84}{100}$ were within survey No. 3,026. That the annual rent of the premises in possession of the defendant, and within survey No. 2,472, were seven hundred dollars, and the monthly value one-twelfth of same. And the value of the entire premises in possession of defendant as aforesaid were ten thousand dollars. And that the value of the parcel containing one $\frac{63}{100}$ acres was one hundred dollars per acre, and the annual rent of same one dollar per acre; and the monthly value one-twelfth of same. The plaintiffs also proved the death of Amos Stoddard aforesaid before the commencement of suit; and that they were his heirs-at-law, and citizens of some other of the United States than Missouri, as stated in the declaration; and that defendant was a citizen of Missouri, as stated in the declaration, and here closed their testimony.

*Defendant's evidence.*

The defendant then gave in evidence a patent of the United States, which is in the words and figures following, to wit:

*Patent from United States.*

THE UNITED STATES OF AMERICA, to all to whom these presents shall come, greeting:

Know ye, that there has been deposited in the General Land Office a certificate, numbered three hundred and seventy-six, of the Recorder of Land Titles at St. Louis, Missouri, whereby it appears, that under the provisions of the act of Congress, approved on the seventeenth day of February, one thousand eight hundred and fifteen, entitled, "An act for the relief of the inhabitants of the late county of New Madrid, in Missouri territory, who suffered by earthquakes," and of the several acts of Congress, amendatory and explanatory of the same, Eustache Peltier, or his legal representatives, has or have located a tract of land containing one hundred and sixty acres, and bounded and described as follows, to wit: beginning at a corner stone of A. Chouteau's, at the western end of the St. Louis fields; thence, with A. Chouteau's line north seventy-five degrees west, at thirteen chains and eight links a stone, twenty-eight chains to a post thirty links west of another stone in Chouteau's line, Camp's south-east corner; thence north thirteen chains and sixty-one links, with Camp's line to Camp's corner, forty chains to a post from which a b. jack bush, two inches in diameter, bears south thirty-seven degrees east, distant fifty links, and the centre of a mound in Smith's survey bears north forty-one degrees east; thence east forty-four chains and forty links to a post in the west boundary of the common fields, from which a b. jack bush, two inches in diameter, bears south forty-seven degrees west; distant thirteen links; thence south one degree thirty minutes east, nineteen chains and seventy-five links to a stone; thence south twenty-five degrees thirty minutes west thirty chains and fifty-five links to the beginning; being in township forty-five north, of range seven east, and being survey number two thousand four hundred and seventy-two.

There is, therefore, granted by the United States unto the said Eustache Peltier, or his legal representatives, and to his or their heirs, the tract of land above described: To have and to hold the said tract, with the appurtenances, unto the said Eustache Peltier, or his legal representatives, and to his and their heirs and assigns forever.

[L. S.] In testimony whereof, I, Andrew Jackson, President of the United States, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the sixteenth day of July, in the year of our Lord, one thousand eight hundred

and thirty-two, and of the independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President: ELIJAH HAYWARD,
*Commissioner of the General Land Office.*

Recorded vol. 7, pages 284 and 285.

The defendant also gave in evidence the survey of the said location for Eustache Peltier, or his legal representatives, numbered two thousand four hundred and seventy-two, which was also given in evidence by the plaintiffs.

*Testimony of Cerré.*

The defendant then introduced Pascal L. Cerre as a witness on his behalf, who testified that he had lived at St. Louis since the year 1779, that he knew Mordecai Bell well; that he was acquainted with him four or five years before Louisiana was ceded to the United States, and he, the said Bell, then resided on the south side of the Missouri river, about forty miles westwardly from St. Louis, at a place called Wild Horse Creek, where he settled and made an improvement, and where he continued to reside for many years; and, until he removed from St. Louis county, that said Bell never resided at St. Louis, or nearer to it than at Wild Horse Creek; that said Bell's residence and improvement aforesaid, on Wild Horse Creek, was about two miles from St. Andre, of which place James Mackay was commandant under the Spanish Government; that the witness knew Mackay well, and is well acquainted with his handwriting; and that the said petition for a concession, and said deed of Bell to Mackay, are in the handwriting of said Mackay; that Mackay died some twenty years ago. That he, the witness, was here at the change of Government, and delivered the keys to the Governor; that he never knew that Richard Caulk was a syndic, and never knew or heard of a deed of conveyance being made before a syndic; that under the former government here, such instruments were always made before the Lieutenant Governor; that there were syndics under the former government, whose duty it was to cause the fences to be kept up around the common fields, &c. He stated further, that said Bell did not understand the French language, and that the land claimed by plaintiffs never was inhabited or cultivated before Stokes took possession.

The defendant then offered in evidence the deposition of Mordecai Bell, which was objected to by plaintiffs, but the court overruled the objection, and permitted the deposition to be read for the present, but subject to the future opinion of the court in regard to its competency and effect, should the cause not be decided on a legal ground; to which the plaintiffs except. And the deposition was read, which is in the words and figures following:

*Deposition of Bell.*

Deposition of Mordecai Bell, produced, sworn, and examined, at the house of said Bell, at Moreau township, in the county of Morgan, and State of Missouri, before me, John Chism, judge of the county court for the county of Morgan aforesaid, in a certain cause now pending in the circuit court of the United States, for the district of Missouri, between Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy Bunnell, Jonas Foster and Lavinia Foster, Lucy Hoxie, Daniel Morgan and Arva Morgan, plaintiffs, and Harry W. Chambers, defendant, on the part of the defendant.

Mordecai Bell, of lawful age, being produced, sworn, and examined, on the part of the defendant, deposeth and sayeth: that he lives in Moreau township, Morgan county, and State of Missouri; and that he was first married on the eighth day of March, in eighteen hundred and two, and that parts of three winters preceding his marriage, he was hunting in the upper parts of this State; that neither in the year eighteen hundred, or any year after, did deponent petition the Spanish Governor Delassus for any grant of land. That a few years after he was married, Santiago Mackay repeatedly asked deponent to petition the Spanish Governor for a grant of land, but he, deponent, never did so. That some two or three years after deponent was married, Mackay told him that he, deponent, had a head right, and he, Mackay, wished to change a piece of land for his head right, which he did. That he never petitioned the Spanish Governor for any grant of land in, or in the neighborhood of, the then town of St. Louis, nor was there any ever granted to him, to the best of his knowledge. That he resided in the counties of St. Louis and Franklin, from his marriage till the year 1819.

MORDECAI BELL, his B mark.

I, John Chism, judge of the county court for the county of Morgan, and State of Missouri, not being of counsel or attorney, or interested in the event of the cause aforesaid, do hereby certify that the deponent, Mordecai Bell, whose place of residence is in Moreau township, in the county of Morgan, and State of Missouri, was by me carefully examined and cautioned, and sworn to testify the whole truth, of his knowledge, touching the matters in controversy in the cause aforesaid; that the said deponent was examined in my presence, and his examination being reduced to writing by me, was subscribed by said deponent in my presence, by making his mark, not being able to write, on the twenty-third day of March, in the year eighteen hundred and forty-two, at the house of said Mordecai Bell, at Moreau township, in the county of Morgan, and State of Missouri. And the said deposition is herewith returned.

The reason for the taking the deposition of said witness is, that he resides more than one hundred miles from the city of St. Louis, in Missouri, where the Circuit Court of the United States, for the

Missouri district, is held. No notification has been given to either of the said plaintiffs or their attorney, neither being within one hundred miles of said Moreau township.

Given at Moreau township, Morgan county, State of Missouri, this 23d day of March, 1842.

JOHN CHISM,
*Judge of the county court of Morgan county.*

It was admitted that said Bell's place of residence was more than one hundred miles distant from St. Louis.

*Testimony of Finney.*

John Finney, a witness on behalf of defendant, testified, that he knows the land in question, and knew it when one William Stokes took possession of it, as witness thought, in the year 1819; that in the summer of 1819, witness saw several small buildings erected, &c., and a well partly dug, and workmen were then engaged there by said Stokes; and that said Stokes continued his improvements progressively, till the land was fenced in and ploughed, &c.; that the possession has remained ever since in said Stokes, and those claiming under him; and that the improvements by Stokes were large and expensive.

The chain of title from Stokes of said land, down to the defendant, by regular deeds, was given in evidence, conveying the Eustache Peltier location. The defendant also gave in evidence the certificate of location and survey thereof, in favor of Martin Coontz, or his legal representatives, in the words and figures following:

*Certificate of location of Martin Coontz.*

No. 145.] OFFICE OF THE RECORDER OF LAND TITLES,
*Saint Louis, September* 18, 1816.

I certify that a tract of six hundred and forty acres of land, bayou St. John, in the county of New Madrid, which appears from the books of this office to be owned by Martin Coontz, has been materially injured by earthquakes. And that in conformity to the provision of the act of Congress of 17th February, 1815, the said Martin Coontz, or his legal representatives, is entitled to locate six hundred and forty acres on any of the public lands of the territory of Missouri, the sale of which is authorized by law.

FREDERICK BATES.

SURVEYOR'S OFFICE, SAINT LOUIS,
*8th of April*, 1842.

The above is a correct copy of the original certificate (on file in this office) No. 145, of Frederick Bates, recorder of land titles for the territory of Missouri, issued in conformity with the law of Congress, therein referred to, of the 17th of February, 1815, entitled

"An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

JOS. B. BROWN, *Acting Surveyor of the Public Lands for the District of Illinois and Missouri.*

*Coontz's location.*

John McKnight and Thomas Brady, as the legal representatives of Martin Coontz, enter six hundred and forty acres of land, by virtue of a certificate No. one hundred and forty-five, and dated St. Louis, Sept. 18, 1816, issued by Fred'k Bates, esq., recorder of land titles, to wit: that part of fractional sections, ten and fifteen, which is not embraced by other private claims, and so much off from the east side of fractional section nine, as will make the aforesaid quantity of six hundred and forty acres of land. It being in township forty-five, north of the base line, and range seven, east of the fifth principal meridian.

St. Louis, 29th May, 1818. JOSEPH C. BROWN, for JNO. McKNIGHT and THOS. BRADY.

SURVEYOR'S OFFICE, SAINT LOUIS, *8th of April*, 1842.

The above is a correct copy of the original notice of location on file in this office, made in virtue of certificate No. 145, of Frederick Bates, recorder of land titles for the territory of Missouri, issued on the 18th of September, 1816, in conformity with the provisions of the act of Congress, approved the 17th of February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

JOS. C. BROWN, *Acting Surveyor of the Public Lands for the District of Illinois and Missouri.*

*Survey and certificate of Coontz's location.*

Survey No. 2,499.—Certificate No. 145.—T. 45 N., R. 7 E.

[For plat see original.]

Recorded February 16, 1825.

Surveyed for Martin Coontz, or his legal representatives, 640 acres, located by virtue of a New Madrid certificate, beginning at the corner of one other tract in the name of John Brooks, on the west boundary of the St. Louis field; thence with the line of said fields S. 1¼ E., 86 chs. 25 lks., to Peltier's N. E. corner on said field, 7 chs. 18 lks. south of William C. Carr's N. W. corner, from which a B. Jack bush, 2 in. dia., b'rs S. 47 W., 13 lks.; thence west with Peltier's north boundary, 13 chains 40 lks., set a post in road at Smith's S. E. corner, from which a ———; thence north with Smith's east

boundary, 30 chs. a sink hole, 38 chs. a ditto, 40 chs. set a stone, the N. E. corner of Smith's tract; thence west with Smith's north line, 40 chains set a stone, Smith's N. W. corner; thence south with Smith's west line, 40 chs. set a post, 25 lks. N. W. of the most northern of two sink holes near together, from which a hickory, 2 in. dia., bears N. 79 W., 30 lks.; thence east with Smith's south line, 9 chs. to Peltier's N. W. corner, from which a B. Jack bush, 2 in. dia., bears S. 37 E., 50 lks., and the center of a mound in Smith's tract bears N. 41 E.; thence south with Peltier's west line, 28 chs., to Widow Camp's north line; thence N. 75 W., with Camp's line, 15 chs. 75 lks., to the corner of fractional section No. 16 on Camp's line, a stake from which a B. oak, 3 in. diameter, bears S. 19 W., 100 lks.; thence north with the east boundary of section No. 16, 29 chs. 53 lks., the west edge of a pond 49 chs. 50 lks., to the N. E. corner of section No. 16, a stake in a mound thicket; thence west with the line between sections 9 and 16, 76 chs. 30 lks., set post in mound in thicket 3 chs. 70 lks. east of the corner of sections 8, 9, 16, 17; thence north 49 chs. 50 lks., intersected the south line of the Grand Prairie field lands, where set picket; thence S. 61 E., with said line, 61 chs., to the S. E. corner of the same; thence N. 29¼ E., with the east line of the field lands, 73 chains 80 lks., to the corner of a tract in the name of John Brooks, on said line a stake; thence S. 60½ E., with the south boundary of said Brooks' tract, 17 chs. 80 lks., intersected the west line of Watkins' tract, 4 chs. 50 lks. south of the corner of the field lands on said tract; thence S. 29¼ W., with said Watkins' line, 21 chs. 76 lks. to his S. W. corner, a stake from which a R. oak, 3 in. dia., bears N. 48 E., 54 lks., and a mound near end of the field lands, N. 24½ W.; thence S. 60 E., with Watkins' S. line, 17 chs. 52 lks. to a stone, his S. E. corner; thence N. 29¼ E., with east line of said tract, 21 chs. 76 lks. to the south boundary of said Brooks' claim; thence ——— to the beginning.

JOS. C. BROWN, *D. S.*

July, 1818.

SURVEYOR'S OFFICE, ST. LOUIS, *8th of April*, 1842.

The foregoing plat, and the notes of survey No. 2,499, are correctly copied from pages 101 and 102, of book A, in this office. The said survey was executed in July, 1818, agreeably to the calls of the notice of location made on the 29th May, 1818, by Joseph C. Brown, for John McKnight and Thomas Brady, the legal representatives of Martin Coontz, in virtue of certificate No. 145, of Frederick Bates, recorder of land titles for the Territory of Missouri, issued on the 18th September, 1816, in conformity with the provisions of the act of Congress of the 17th of February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

JOS. C. BROWN,

*Act. surv. of the pub. lands for the dist. of Illinois & Missouri.*

It was admitted that the proper surveyor had made a return of the survey and notice according to law, to the recorder of land titles, and that a patent certificate, dated 17th November, 1822, issued by said recorder according to law; which had been sent to Washington city, and deposited there in the General Land Office; and here closed his testimony.

*Plaintiffs' evidence.*

The plaintiffs then read in evidence the certificate of location, the location, and plat of survey thereof, in favor of Eustache Peltier, or his legal representatives, as follows:

*Peltier's certificate of location.*

No. 103. OFFICE OF THE RECORDER OF LAND TITLES,
ST. LOUIS, *November* 28, 1815.

I certify that a lot of one arpent in the village of Little Prairie, in the county of New Madrid, which appears from the books of this office to be owned by Eustache Peltier, has been materially injured by earthquakes; and that, in conformity with the provisions of the act of Congress of 17th February, 1815, the said Eustache Peltier, or his legal representatives, is entitled to locate any quantity of land not exceeding one hundred and sixty acres, on any of the public lands of the Territory of Missouri, the sale of which is authorized by law.

FREDERICK BATES.

SURVEYOR'S OFFICE, ST. LOUIS, 11*th March*, 1840.

The above is correctly copied from the original certificate, (now on file in this office,) numbered 103, of Frederick Bates, recorder of land titles for the Territory (now State) of Missouri, issued in conformity with the provisions of the act of Congress therein mentioned, of the 17th of February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

WILLIAM MILBURN,
*Surv'r of the pub. lands in the States of Illinois & Missouri.*

*Peltier's location.*

No. 103. Eustache Peltier enters one hundred and sixty acres of land, by virtue of a certificate No. 103, issued from the office of the recorder of land titles at St. Louis, November 28, 1815, in the name of said Eustache Peltier, or his legal representatives, for any quantity of land not exceeding one hundred and sixty acres, lying and being in the county of St. Louis and Territory of Missouri, bounded as follows, (viz:) beginning at the southwest corner of a tract of land belonging to John B. C. Lucas, esq., on a part of which he now lives, where said southwest corner intersects or adjoins the north boundary line of a tract of land of 1,400 arpens, with a mill,

&c., thereon, which belongs to Auguste Chouteau, and is situated on or near the west side of said town of St. Louis; thence north'ly, bounding with said Lucas' lands, and the lands of others; thence west'ly; thence south'ly; thence east'ly, by and with said Chouteau's tract of land, to the first mentioned boundary, so as to include said quantity of one hundred and sixty acres, without interfering with prior legal claims.

Octo. 24, 1816. WM. KINCHELOE.

To Gen'l WILLIAM RECTOR,
*Surveyor of the lands of the U. S. in the Territories of Illinois and Missouri.*

SURVEYOR'S OFFICE, ST. LOUIS, 11*th March*, 1840.

The above is correctly copied from the original notice of location on file in this office, made in virtue of certificate numbered 103, of Frederick Bates, recorder of land titles for the Territory, (now State of Missouri,) issued on the 28th day of November, 1815, in conformity with the provisions of the act of Congress, of 17th of February, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri territory, who suffered by earthquakes."

WILLIAM MILBURN,
*Surv'r of the pub. lands in the States of Illinois & Missouri.*

*Peltier's survey and certificate.*

Survey No. 2,472, certificate No. 103. [For plat see original.]

Surveyed for Eustache Peltier, or his legal representatives, 160 acres, located by virtue of a New Madrid certificate; beginning at a corner stone of A. Chouteau's, at the western end of the St. Louis fields; thence, with A. Chouteau's line, north 75 west, 13 chains 8 links a stone, 28 chains a post set 30 links west of another stone in Chouteau's line, Camp's southeast corner; thence north 13 chains 61 links with Camp's line, Camp's corner 40 chains set a post, a B. jack bush 2 in. dia. bears south 37° east 50 links, and the center of a mound in Smith's survey bears north 41 east; thence east 44 chains 46 links, set post in the west boundary of the common fields, 7 chains 18 links south of Wm. C. Carr's north corner, a B. jack bush, 2 in. dia., bears south 47 west, 13 links; thence south 1¼ east, 19 chains 75 links, a stone; thence south 25¼ west, 30.55 chains to the beginning.

March, 1818. JOS. C. BROWN, *D. S.*

SURVEYOR'S OFFICE, ST. LOUIS, 18*th March*, 1840.

The above plat, and notes of survey No. 2,472, are correctly copied from pages 83 and 84 of record book A in this office.

WILLIAM MILBURN,
*Surv'r of the pub. lands in the States of Illinois & Missouri.*

*Testimony of Milburn.*

It was proved by William Milburn, a witness for them, that he had been employed in the surveyor's office, either as clerk or as surveyor general, ever since some time in the year 1817; that the land claimed by plaintiffs under Bell lies in township forty-five north, and range seven east; that said township was surveyed during the years 1817, 1818, and 1819, and said surveys were returned to the office and examined in 1822; that the public lands were not surveyed when Peltiers' location was made. There was a list made out, in 1818, by the recorder, of lands reserved from sale, but no copy of that list was sent to the surveyor's office; the claim of Mordecai Bell was in the list; that same was not laid down on the plat sent to the register and receiver as reserved; that a great portion of the locations under New Madrid certificates, so called, were made before the country was surveyed; and that, in all such cases, the surveys of such locations did not correspond with the subsequent surveys of the public lands. The survey of Eustache Peltiers' claim was made by Joseph C. Brown under the same contract by which he surveyed the sectional lines of the same township; that the lines of the Peltier tract, on two sides, are the boundaries of old confirmed titles. He further testified that the custom of the surveyor was to furnish the plat and survey to the recorder of land titles addressed to him, which was the notice required by law; that the return to the surveyor general of the Peltier survey was at the same time with that of all the adjacent surveys; that the said Coontz claim is bounded nearly all round by confirmed claims. Plaintiffs also proved by witness that there is a mound within the boundaries of the Bell survey called Stoddard's mound, and was known by that name, and called Stoddard's mound universally, when he came to the country in 1817, and has ever since been known and distinguished by that name.

*President's Proclamation.*

The plaintiffs then gave in evidence a proclamation of the President of the United States, published at St. Louis in the summer and fall of 1823, and dated in June of that year, directing the public lands in the township in which the land in dispute lies, and in adjacent townships, to be sold on the third Monday of November in same year.

*Newspaper.*

The plaintiffs then offered in evidence a paper purporting to be an extract of a newspaper entitled the Missouri Gazette, St. Louis, bearing date the day of , in which was contained what purported to be a list of claims and lands unconfirmed by the Government of the United States, and reserved from sale, in the United States land offices in Missouri, under the acts of Con-

gress in that behalf theretofore passed; to the admission of which newspaper and list, the said defendant objected; which objection being sustained by the court, the said paper was excluded; to which opinion said plaintiffs excepted.

And no other testimony being given on either side, the defendant moved the court to instruct the jury as follows:

*1st instruction given.*—That the plaintiffs are not entitled to recover in this action for any land included in the patent issued to Eustache Peltier or his legal representatives.

*2d instruction given.*—That the plaintiffs are not entitled to recover in this action for any land which the jury may find, from the evidence, to be embraced in the location made in favor of Martin Coontz or his legal representatives.

Which instructions were objected to by the plaintiffs; but the objection was overruled, and the instructions given; to the giving of which instructions, and each of them, the plaintiffs except, and pray the court that these and every of their exceptions may be signed and sealed and made part of the record in this cause, which is done accordingly.

J. CATRON, [L. S.]
R. W. WELLS, [L. S.]

MISSOURI DISTRICT, *sct.*

I, Joseph Gamble, clerk of the circuit court of the United States for the district of Missouri, certify that the foregoing, from page one to page twenty-eight, both inclusive, contains a full, true, and complete transcript of the record and proceedings of said court in a certain matter of controversy therein determined between the heirs of Amos Stoddard, plaintiffs, and Harry W. Chambers, defendant, as the same remains on file and of record in my office.

In testimony whereof, I hereto subscribe my name and affix the [L. S.] seal of said court at [my] office, in the city of St. Louis, the twelfth day of August, in the year one thousand eight hundred and forty-two.

JO. GAMBLE, *Cl'k.*

The following is a copy of the bond for costs filed in this cause, to wit:

Know all men by these presents, that I, Beverly Allen, am held and firmly bound unto Harry W. Chambers in the sum of two hundred dollars, for the payment whereof, I bind myself, my heirs, &c.; as witness my hand and seal, this 18th day of April, 1842.

The condition of this obligation is such, that whereas Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy his wife, Jonas Foster and Lavinia his wife, Lucy Hoxie, Daniel Morgan and Arva his wife, have sued out of the Supreme Court of the United States a writ of error directed to the judges of the circuit court of the United

States for the Missouri district, returnable to the said Supreme Court to be held at Washington on the second Monday of January next. Now, if the said Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy his wife, Jonas Foster and Lavinia his wife, Lucy Hoxie, Daniel Morgan and Arva his wife, who are plaintiffs in error, shall prosecute their writ with effect, and answer all damages and costs, if they fail to make their plea good, then the above obligation to be void.

B. ALLEN, [L. S.]

Acknowledged before me, in open court, at St. Louis, the 18th day of April, 1842.

J. CATRON,
*An Associate Jus. S. C. U. S.*

A true copy.
Teste: JO. GAMBLE,
*Cl'k U. S. C. C. Missouri District.*

MISSOURI DISTRICT, *sct:*

The President of the United States to the honorable the Judges [L. S.] of the Circuit Court of the United States for the eighth circuit and district of Missouri, greeting:

Because in the record and proceedings, and also in the rendition of a judgment of a plea in the said circuit court, between Simeon Stoddard, a citizen of the State of Indiana, Curtis Stoddard and Daniel Stoddard, citizens of the State of Ohio, Anthony Stoddard and William Stoddard, citizens of the State of New York, Joseph Bunnell and Lucy Bunnell his wife, citizens of the State of New York, Jonas Foster and Lavinia Foster his wife, citizens of the State of Ohio, Lucy Hoxie, a citizen of the State of New York, and Daniel Morgan and Arva Morgan his wife, citizens of the State of New York, demandants, and Harry W. Chambers, a citizen of the State of Missouri, defendant, a manifest error hath happened, to the great damage of the said demandants as aforesaid, as by their complaint appears.

We being willing that error, if any, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, you distinctly and openly send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, so that you have the same, together with this writ, before the chief justice and associate justices of said Supreme Court on the second Monday of January next at the city of Washington, the present seat of the national government, that, the record and proceedings being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of said Supreme Court, the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two.

JO. GAMBLE,
*Clerk U. S. Circuit Court, Missouri District.*

MISSOURI DISTRICT, *sct:*

In obedience to the foregoing writ, I herewith transmit to the Supreme Court of the United States a certified transcript of the record and proceedings of the Circuit Court of the United States for the district of Missouri, in the plea aforesaid in said writ of error mentioned.

Teste: JO. GAMBLE,
*Clerk U. S. C. C., Missouri District.*

*Citation.*

United States of America, to Harry W. Chambers, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the second Monday of January next, pursuant to a writ of error filed in the clerk's office of the Circuit Court of the United States, for the Missouri district, wherein Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy his wife, Jonas Foster and Lavinia his wife, Lucy Hoxie, Daniel Morgan and Arva his wife, are plaintiffs in error, and Harry W. Chambers is defendant in error—to show cause, if any there be, why judgment rendered against the said Simeon Stoddard, Curtis Stoddard, Daniel Stoddard, Anthony Stoddard, William Stoddard, Joseph Bunnell and Lucy his wife, Jonas Foster and Lavinia his wife, Lucy Hoxie, Daniel Morgan and Arva his wife, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Hon. John Catron, one of the justices of the Supreme Court of the United States, this 18th day of April, in the year one thousand eight hundred and forty-two.

J. CATRON,
*An Associate Justice S. C. U. S.*

UNITED STATES OF AMERICA, *Missouri district, ss:*

Personally appeared Beverley Allen before the undersigned, John Catron, an associate justice of the Supreme Court of the United States, at St. Louis, in said district, and made oath that on this 18th day of April, in the year 1842, he served the above citation on Josiah Spalding, esq., attorney of record for the said Harry W. Chambers, named in said citation, in the Circuit Court of the United States for said district, in suit mentioned in said citation, by